

REMARKS

This is a reply to the Final Office Action mailed October 28, 2003, with a shortened statutory response period of three (3) months from the mailing date, extended two months by Petition filed herewith. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 1-17 are presently pending in the application and stand rejected under 35 U.S.C. §103. Applicants respectfully traverse these rejections.

Stainmesse discloses a method for preparing a dispersible colloidal system of **spherical** particles of the matrix type having a size less than 500 nm. (Col. 1, lines 10-14) *Stainmesse* is particularly concerned with the production of spherical particles exhibiting only a slight variation in size. (Col. 5, lines 16-17). *Stainmesse* reports that the nanoparticles prepared in the Examples “appear as approximately round, non-contrasted particles.” (Col. 5, lines 18-22) *Stainmesse* reports in Example 1 that it has achieved particles in the form of regular spheres (col. 5, lines 49-51). Example 2 reports that the particles obtained have the same properties as in Example 1. Example 14 states that the particles are spherical and non-crystalline (col. 8, lines 65-67).

Claim 1 has been amended to recite a pre-suspension of particles that are **non-spherical**. Producing non-spherical particles is not obvious in view of a reference that discloses that one of its primary purposes is to produce spherical particles. There is no discussion of forming particles with different shapes other than spherical, and, therefore, *Stainmesse* teaches away from claims 1-17.

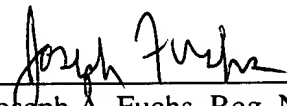
Applicants have also amended the specification to properly include “glyceryl esters” in the group of nonionic surfactants instead of in the group of anionic surfactants, and have also amended claims 3-4, 17-18, 25-26, 29-30, 40-41, 49-50, 72-73, 80-81, and 91-92 to reflect said amendment.

In view of the foregoing amendments and remarks Applicants respectfully submit the claims are in a condition for allowance and respectfully request and early notice of the same.

Respectfully submitted,
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BY



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